

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

In re LIPITOR ANTITRUST LITIGATION

MDL No. 2332  
No. 12-2389 (PGS/DEA)

MEMORANDUM AND ORDER

This matter is before the Court on a motion to disqualify the law firm of Cohen Milstein Sellers & Toll (CMST) as interim co-lead counsel of the end-payor class brought by James R. Dugan, Esq. on behalf of Louisiana Health Services Indemnity Co. d/b/a/ Blue Cross/Blue Shield of Louisiana (BCBS-LA) (ECF 172), and the Court having heard oral argument, and for good cause having been shown;

IT IS ON THIS 16<sup>th</sup> day of January, 2013;

ORDERED that the motion to disqualify the law firm of Cohen Milstein Sellers & Toll is denied; and it is further

ORDERED that the interim co-lead counsel of the end-payor group shall:

1. Decide any major issue by consensus and refrain from any decision adversely affecting BCBS-LA by CMST;
2. Mr. Wexler, as co-lead counsel, shall be responsible for those tasks that specifically apply to BCBS-LA in order to prevent disclosure of confidential information about BCBS-LA to CMST;
3. Appoint Mr. Dugan to the Executive Committee of the end-payor group.
4. CMST shall separate the work in this case from other Blue Cross/Blue Shield (BCBS) litigation which CMST is handling against the BCBS Association or any of its members, in order to prevent intermingling of information. CMST shall submit a standard operating

procedure and a proposed form of protective order within thirty (30) days. CMST shall confer with Mr. Dugan regarding standard operating procedure.

5. BCBS- LA, through its attorney, Mr. Dugan, and any co-lead counsel shall report to the Court any present or future action of CMST which gives rise to a substantial conflict of interest by CMST against BCBS.

*s/Peter G. Sheridan*  
PETER G. SHERIDAN, U.S.D.J.

January 16, 2013